

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES PETTY, #124 252

*

Plaintiff,

*

v.

*

2:06-CV-639-WKW

RAY B. FINEDOR, *et al.*,

*

Defendants.

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ORDER

On January 25, 2007 the court erroneously accepted and filed a Motion to Dismiss. (Doc. No 28.) This motion is not properly before the court as it was submitted without permission of the court. (*See* Doc. No. 4, pg. 2, ¶ 4 - “**no motion for summary judgment, motion to dismiss or any other dispositive motions . . . may be filed by any party without permission of the court.**”). The aforementioned order further directed that “[i]f any pleading denominated as a . . . dispositive motion is sent to the court [without the requisite permission having been granted], the court shall not file or otherwise treat the pleading as a dispositive motion until and unless further order of the court.” *Id.* Accordingly, it is

ORDERED that the Motion to Dismiss filed by Defendant Hardy on January 25, 2007 (Doc. No. 28), be stricken from the file and returned to Defendant Hardy for non-compliance with the order of July 20, 2006.

Done, this 29th day of January 2007.

/s/Terry F. Moorer
TERRY R. MOORER
UNITED STATES MAGISTRATE JUDGE